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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOSEPH ANTONETTI,

Plaintiff,

v.

FILSON, *et al.*,

Defendants.

Case No. 3:17-cv-00605-MMD-CBC

ORDER

I. DISCUSSION

In its October 3, 2018 Screening Order, the Court ordered Plaintiff to file any amended complaint curing the deficiencies in his original complaint within 30 days of the date of that order. (ECF No. 5 at 37). The amended complaint curing the deficiencies of the original complaint therefore is due on November 2, 2018.

Plaintiff has filed a motion for an extension of time seeking an additional 15 days to file a motion for reconsideration of the Court's October 3, 2018 Screening Order and seeking an additional 30 days to amend his complaint after the motion for reconsideration is decided. (ECF No. 7). The Court will grant the motion in part.

The Court grants Plaintiff an extension of time until November 16, 2018 to file a motion for reconsideration. However, Plaintiff is advised that "[m]ere disagreement with a previous order is an insufficient basis for reconsideration." *Barnes v. Sea Hawaii Rafting, LLC*, 16 F. Supp. 3d 1171, 1183 (D. Hawai'i 2014) (citation omitted). Thus, "a

1 motion for reconsideration should not be granted, absent highly unusual circumstances,
2 unless the district court is presented with newly discovered evidence, committed clear
3 error, or if there is an intervening change in the controlling law." *Marlyn Nutraceuticals,*
4 *Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009). Motions for
5 reconsideration are disfavored and a movant may not repeat arguments already
6 presented unless (and only to the extent) necessary to explain controlling, intervening
7 law. Local Rule 59-1(b). A movant who repeats arguments is subject to appropriate
8 sanctions. *Id.* A movant seeking reconsideration must state with particularity the points
9 of law or fact that the Court has overlooked or misunderstood. Local Rule 59-1(a).

10 The Court will grant Plaintiff an extension of time until 30 days after the decision
11 on the motion for reconsideration to file an amended complaint *to cure the deficiencies*
12 *the Court outlined in its October 3, 2018 screening order.* The Court does not grant
13 Plaintiff additional time to add new claims to his action. If Plaintiff fails to file a timely
14 amended complaint in compliance with this Court's orders, this action will proceed in
15 accordance with this Court's rulings in its October 3, 2018 screening order.

16 II. CONCLUSION

17 For the foregoing reasons, IT IS ORDERED that the motion for extension of time
18 (ECF No. 7) is granted in part.

19 IT IS FURTHER ORDERED that Plaintiff shall file any motion for reconsideration
20 by November 16, 2018.

21 IT IS FURTHER ORDERED that Plaintiff is granted an extension of time until 30
22 days after the Court's ruling on any motion for reconsideration to file an amended
23 complaint curing the deficiencies outlined in the Court's October 3, 2018 screening order.

24 IT IS FURTHER ORDERED that Plaintiff is denied an extension of time to amend
25 his complaint to add new claims.
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1 IT IS FURTHER ORDERED that if Plaintiff fails to file a timely amended complaint
2 in compliance with this Court's orders, this action will proceed in accordance with this
3 Court's rulings in its October 3, 2018 screening order.
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5 DATED THIS 2nd day of November 2018

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7 UNITED STATES MAGISTRATE JUDGE
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